

40:145-12

LEGISLATIVE HISTORY CHECKLIST

(Municipal tax collectors, assessors, construction officials, clerks - require appointment and eliminate residence requirements)

NJSA 40:145-12

LAWS 1982

CHAPTER 159

Bill No. A1114

Sponsor(s) Smith

Date Introduced March 11, 1982

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes

Substituted for S1361 (not attached since identical to A1114) Amendments denoted by asterisks.

according to Governor's recommendations  
Date of Passage: Assembly May 20, 1982

Re-enacted 9-30-82

Senate July 12, 1982

Re-enacted 10-25-82

Date of approval Oct. 27, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

6/22/81

159 82  
10-27-82

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1114

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblyman SMITH

Referred to Committee on Municipal Government

AN ACT concerning the appointment of certain township officers and amending R. S. 40:145-12.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 40:145-12 is amended to read as follows:  
2 40:145-12. The township committee may appoint and employ  
3 a township attorney, a township engineer, \***[a township building**  
4 **inspector,]**\* a township physician, a treasurer, \***[an assessor, a**  
5 **township clerk, a collector of taxes,]**\* so many poundkeepers as  
6 shall be deemed necessary, and such other officers as may be au-  
7 thorized by law. **[All such officers except the township attorney,**  
8 **engineer and building inspector shall be residents of the township.]**  
9 *\*The township committee shall \*\***[appoint and employ]**\*\* \*\*pro-*  
10 *vide for\*\* an assessor, a tax collector, a municipal clerk and a con-*  
11 *struction official, all in the manner generally prescribed by law.\**

1 2. This act shall take effect immediately.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**  
**Matter printed in italics thus is new matter.**  
**Matter enclosed in asterisks or stars has been adopted as follows:**  
\*—Senate committee amendments adopted June 21, 1982.  
\*\*—Assembly amendment adopted in accordance with Governor's recommendations September 20, 1982.

ASSEMBLY, No. 1114

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblyman SMITH

Referred to Committee on Municipal Government

AN ACT concerning the appointment of certain township officers  
and amending R. S. 40:145-12.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 40:145-12 is amended to read as follows:

2 40:145-12. The township committee may appoint and employ  
3 a township attorney, a township engineer, a township building  
4 inspector, a township physician, a treasurer, an assessor, a town-  
5 ship clerk, a collector of taxes, so many poundkeepers as shall be  
6 deemed necessary, and such other officers as may be authorized  
7 by law. **[All such officers except the township attorney, engineer**  
8 **and building inspector shall be residents of the township.]**

1 2. This act shall take effect immediately.

---

STATEMENT

The purpose of this bill eliminates the residency requirement for persons appointed to certain township offices.

Under current law, all appointive township officers except the attorney, engineer and building inspector must be residents of the township.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

---

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1114

**STATE OF NEW JERSEY**

DATED: MAY 3, 1982

Assembly Bill No. 1114 amends R. S. 40:145-12 in order to eliminate the residency requirements for persons appointed to certain township offices.

Under current law, all appointive township officers except the township attorney, engineer and building inspector must be residents of the township.

---

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1114**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 21, 1982

Assembly Bill No. 1114 corrects an error made in R. S. 40:145-12 when amended by P. L. 1981, c. 393, which eliminated boards of tax assessors. That law inadvertently created an implication in the laws governing townships that the appointment of a tax assessor, a tax collector, a municipal clerk and a construction code official (building inspector) was optional in the case of a township. Each of these positions is uniformly required of all municipalities in the State under general law, tax assessors under N. J. S. 40A:9-146; tax collectors under N. J. S. 40A:9-141; municipal clerks under N. J. S. 40A:9-133; and, construction officials under the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.). The bill as amended by the Senate Committee, corrects R. S. 40:145-12 to render township law compatible with the general law in each of these cases.

P. L. 1981, c. 393 also established in R. S. 40:145-12 an implication that townships are not subject to the general optional residency ordinance provisions of P. L. 1978, c. 63 (C. 40A:9-1.3 et seq.). This bill, as amended, corrects R. S. 40:145-12 to remove that implication.

As amended, Assembly Bill No. 1114 is identical to Senate Bill No. 1361, as amended by the Senate committee. The Senate committee amended and released the two bills together, since both would amend R. S. 40:145-12 to accomplish a similar purpose.

September 20, 1982

## ASSEMBLY BILL NO. 1114 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1114 (OCR) with my objections and recommendations for amendment.

This bill eliminates the residency requirements for all township officers including the following: township physician, treasurer, assessor, clerk, collector of taxes, and poundkeepers. Since these officers fill positions requiring special expertise and do not serve in a representative capacity, eliminating the residency requirement is not improper.

The bill also requires the township committee to appoint and employ an assessor, tax collector, municipal clerk and construction official. Requiring the township committee to "employ" these officials may have the unintended effect of depriving a township of the option to provide for these services in other ways currently permitted by law. For example, the Uniform Construction Code permits municipalities to contract for a code official, establish a regional enforcement agency or have the Department of Community Affairs serve as the enforcing agency. I recommend that the bill be amended in order to allow townships the flexibility in providing these services which other municipalities now enjoy.

Therefore, I herewith return Assembly Bill No. 1114 (OCR) and recommend that it be amended as follows:

Page 1, Section 1, line 9: After "shall" delete "appoint and employ" and insert "provide for"

Respectfully,

/s/ Thomas H. Kern  
GOVERNOR

[seal]

/s/ W. Cary Edwards  
Chief Counsel to the Governor